SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
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In the Matter of the Petition of MALCOLM GERARD CESAR, as Sole Trustee of the Les Maitres D'Art Haitiens Trust, for an Order Appointing a Fiduciary Auctioneer for the Purpose of Disposing of Certain Trust Assets,

LES MAITRES D'ART HAITIENS TRUST.

Malcolm Gerard Cesar, as Trustee,

Petitioner.

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Index No. 100682/2025

AFFIRMATION IN OPPOSITION TO MOTION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Sally M. Donahue, being an attorney duly admitted to practice law before the Courts of the State of New York, does hereby affirm under the penalty of perjury, that the following is true:

1. I am an Assistant Attorney General in the Charities Bureau of the Office of the Attorney General of the State of New York ("OAG").

2. I am familiar with the facts and circumstances set forth herein based on my review of various documents relating to this motion.

3. This affirmation is submitted in opposition to the motion by petitioner, Malcolm Gerard Cesar ("Petitioner"), in his capacity as trustee of the Irrevocable Art Collection Trust Agreement for Charitable Purposes and Auction Proceeds Distribution ("Trust"), dated February 18, 2025, of which Petitioner is the grantor and trustee, for an order appointing a "fiduciary auctioneer" to dispose of certain trust assets. (A copy of the Trust is annexed to Petitioner's motion papers.)

4. As a threshold issue, upon information and belief, the OAG was not served with a copy of the petition and a summons in conformance with CPLR 307(1). Rather, the OAG received a copy of the petition only when the Notice of Motion and supporting papers were served on the OAG. One of the attachments to the motion papers is a copy of the petition.

5. Petitioner's request is not one the OAG sees under these circumstances. Although the Trust contains provisions allowing for "judicial monitoring," "judicial oversight," and the authority to petition to this court for same (Trust, at §§ 10.42 – 10.48), there is no legal requirement. Petitioner is the fiduciary; he should not be asking the court to appoint an auctioneer when he has the power to engage one.

WHEREFORE, it is respectfully requested that the Court deny the motion.

I affirm on September 5, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: New York, New York
September 5, 2025

LETITIA JAMES
Attorney General of the State of New York

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